

ZB# 88-4

Ursula Cirelli

67-9-1

88-4- Cirelli, Ursula - area variance

Prelim.
1/25/88 - Snowstorm
& meeting

Prelim:
2/8/88

Public Hearing
3/14/88

3/3/88 -
P.B. notified ✓

Area
Variance:
Approved:
3/14/88

filed
T.C.

General Receipt

9660

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

March 14 19 88

Received of

Patricia Foster

\$ 25.00

Twenty-Five and 00/100

DOLLARS

For

Zoning Board Application Fee 88-4

DISTRIBUTION:

FUND	CODE	AMOUNT
CK# 1628		25.00

By

Pauline J. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

Recd

OK # 1628	25.00

Williamson Law Book Co., Rochester, N. Y. 14609

Tolson Clerk

Title

(1) Copy of Deed
(2) Survey
(3) Tax map

7

file

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of
URSULA CIRELLI/PATRICIA FOSTER

DECISION GRANTING
AREA VARIANCE

#88-4.
-----X

WHEREAS, URSULA CIRELLI and PATRICIA FOSTER, R. D. 2, Box 272A, Riley Road, New Windsor, New York 12550, has made application before the Zoning Board of Appeals for area variances of the Regulations of Section 48-12 - Table of Use/Bulk Regulations to existing premises located on Birch Drive, and more specifically, 4 in. front yard variance and 15 ft. 4 in. rear yard variance; and

WHEREAS, a public hearing was held on the 14th day of March, 1988 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant, Patricia Foster, appeared in behalf of herself and Mrs. Cirelli; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking area variances for existing residential dwelling in R-4 zone.

3. The evidence presented by Applicant Foster substantiated the fact that Applicant cannot purchase additional property in order to meet bulk regulations.

4. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted since the residential dwelling is now existing.

5. The requested variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 4 in. front yard and 15 ft. 4 in. rear yard

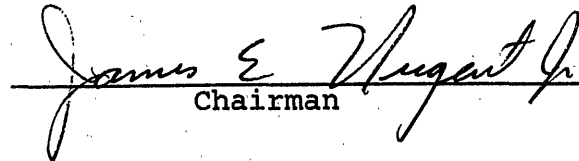
1

variances as stated above in accordance with plans submitted to the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 28, 1988.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

March 15, 1988

Ms. Ursula Cirelli
Ms. Patricia Foster
R. D. 2 - Box 272A
Riley Road
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCES
#88-4

Dear Madames:

This is to confirm that the Zoning Board of Appeals at its March 14, 1988 meeting voted to grant your above application for area variances.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab
Enclosure

cc: Town Planning Board
Michael Babcock, B. I.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

88-4.

Date: 2/22/88

I. ✓ Applicant Information:

- (a) Ursula Girelli, Patricia Foster RD2 Box 572 A Riley Rd N.W.
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Steve Schetmen 178 Grand St. Newburgh 565-5252
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 Birch Drive NW. 67-9-1 100 x 150
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 8-12-1986
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance:

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:~~
(Describe proposal) _____
- _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ☒ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 8-12, Table of USE-BULK Regs., Col. C.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>34' 8"</u>	<u>4"</u>
Reqd. Side Yd.		
Reqd. Rear Yd. <u>40 ft</u>	<u>24' 6"</u>	<u>15' 4"</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- ☒ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Cannot purchase additional land to meet regulations

VI. ~~Sign Variance:~~

- (a) ~~Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.~~

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Landscaping, Trees

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 2/25/88

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Patricia Foster
(Applicant)

Sworn to before me this

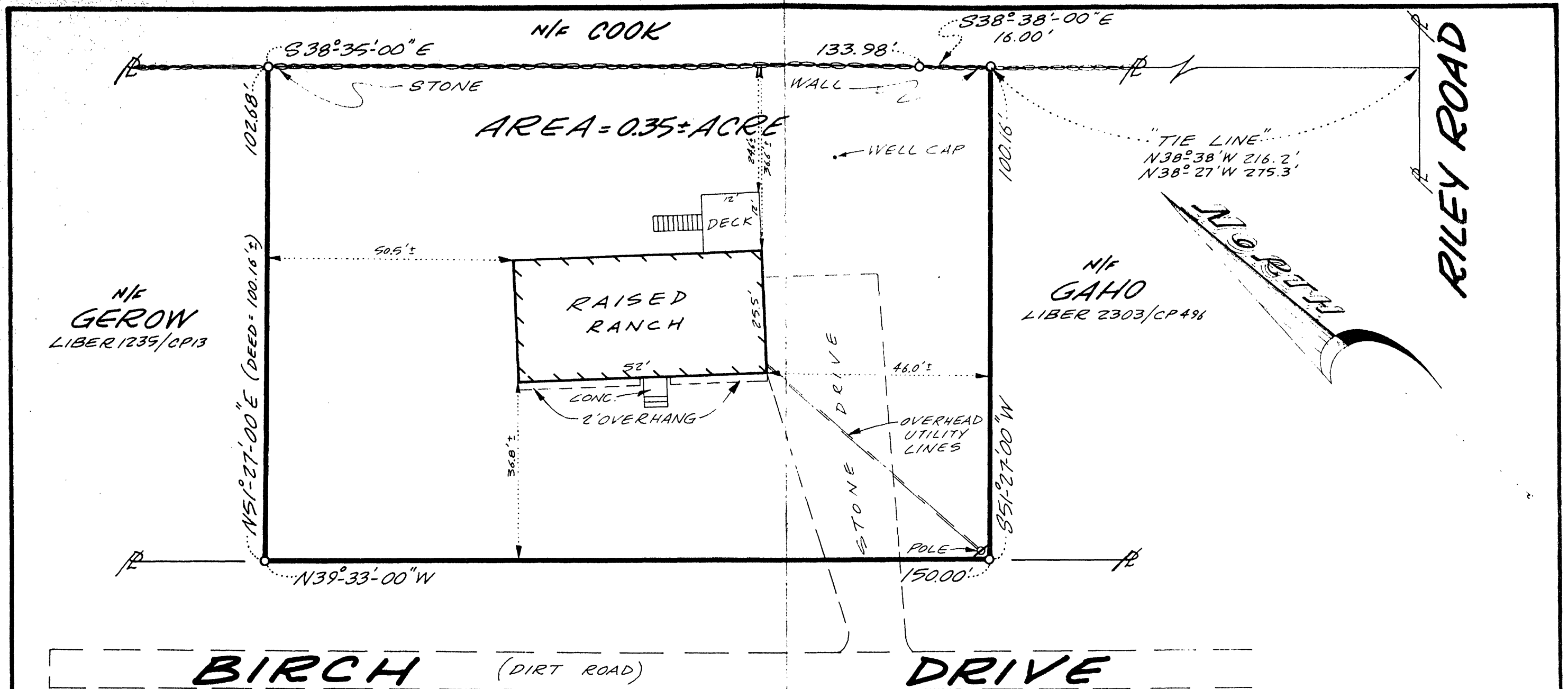
25th day of Feb., 1988.
Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 018A4904434
Qualified in Orange County
Commission Expires August 31, 1989

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



**MAP OF SURVEY
FOR**

URSULA CIRELLI & PATRICIA FOSTER

TOWN OF NEW WINDSOR REVISED: APRIL 13, 1987 ORANGE COUNTY, N.Y.
SCALE: 1" = 20' NOV. 2, 1987 OCTOBER 22, 1986
DEC. 23, 1987

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE
WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE
NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO:

TOWN OF NEW WINDSOR
INTERCOUNTY SAVINGS BANK
NATIONAL ATTORNEYS' TITLE
INSURANCE COMPANY
URSULA CIRELLI & PATRICIA FOSTER

PETER R. HUSTIS, L.L.S.

33 HENRY STREET • BEACON • NEW YORK
P.O. BOX 3311 • NEWBURGH • NEW YORK

Peter R. Hustis

**JOB NO.
86-379B**

Certified

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 4

Request of Ursula Cipelli, Patricia Foster

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of one-family residential

dwelling w/ insufficient frontyard, rear yard

being a VARIANCE of

Section 48-12-Table of Use/Bulk Regs.- Col. C

for property situated as follows:

Birch Drive - New Windsor

Section 67- Block-1 - Lot 9

SAID HEARING will take place on the 14th day of
March, 1988, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent
Chairman

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 13th day of August, nineteen hundred and eighty-six
BETWEEN

JOSEPH ILLUZZI, residing at 131 Freeport Boulevard, Toms River, New Jersey
08757

party of the first part, and

URSULA CIRELLI and PATRICIA FOSTER, both residing at 66 & 34 Forge Hill
Gardens, New Windsor, New York 12550 respectively

tenants with right of survivorship, as joint

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, and more particularly bounded and described as follows:

BEGINNING at a point in a stone wall which divides the lands of the grantor and land now or formerly of Salmon B. Cook, which point in the following two courses and distances from the southwesterly line of Riley Road: (1) North 38° 27" West 275.3 feet; (2) North 38° 38" West 216.2 feet; running thence from said point of beginning South 51° 27" West along lands hereinbefore conveyed by the grantor to Ignazio Aversano, for a distance of 100.16 feet to the northeasterly line of a 50 foot right of way to be called Birch Street, which runs in a northwesterly direction from said Riley Road; and running thence North 39° 33" East along said right of way for a distance of 150 feet. Thence North 51° 27" East for a distance of 100.16 feet more or less to the stonewall dividing the lands of the grantor and the lands now or formerly of Salmon B. Cook. Thence South 38° 35" East along said stonewall for a distance of 134 feet more or less to a point; thence South 38° 38" East 16 feet to the point or plate of beginning.

BEING the same premises conveyed by Walter H. Gerow to Joseph A. Illuzzi and Lucy Illuzzi on August 19, 1955 and recorded in the Orange County Clerk's Office in Liber 1360 of deeds at page 491 on September 12, 1955.

Lucy Illuzzi, having died a resident of Bergen County, New Jersey, on August 23, 19

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

THIS INDENTURE, made the 13th day of August, nineteen hundred and eighty-six
BETWEEN

JOSEPH ILLUZZI, residing at 131 Freeport Boulevard, Toms River, New Jersey 08757

party of the first part, and

URSULA CIRELLI and PATRICIA FOSTER, both residing at 66 & 34 Forge Hill Gardens, New Windsor, New York 12550 respectively

as joint tenants with right of survivorship.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, and more particularly bounded and described as follows:

BEGINNING at a point in a stone wall which divides the lands of the grantor and land now or formerly of Salmon B. Cook, which point in the following two courses and distances from the southwesterly line of Riley Road: (1) North 38° 27" West 275.3 feet; (2) North 38° 38" West 216.2 feet; running thence from said point of beginning South 51° 27" West along lands hereinbefore conveyed by the grantor to Ignazio Aversaano, for a distance of 100.16 feet to the northeasterly line of a 50 foot right of way to be called Birch Street, which runs in a northwesterly direction from said Riley Road; and running thence North 39° 33" East along said right of way for a distance of 150 feet. Thence North 51° 27" East for a distance of 100.16 feet more or less to the stonewall dividing the lands of the grantor and the lands now or formerly of Salmon B. Cook. Thence South 38° 35" East along said stonewall for a distance of 134 feet more or less to a point; thence South 38° 38" East 16 feet to the point or place of beginning.

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TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

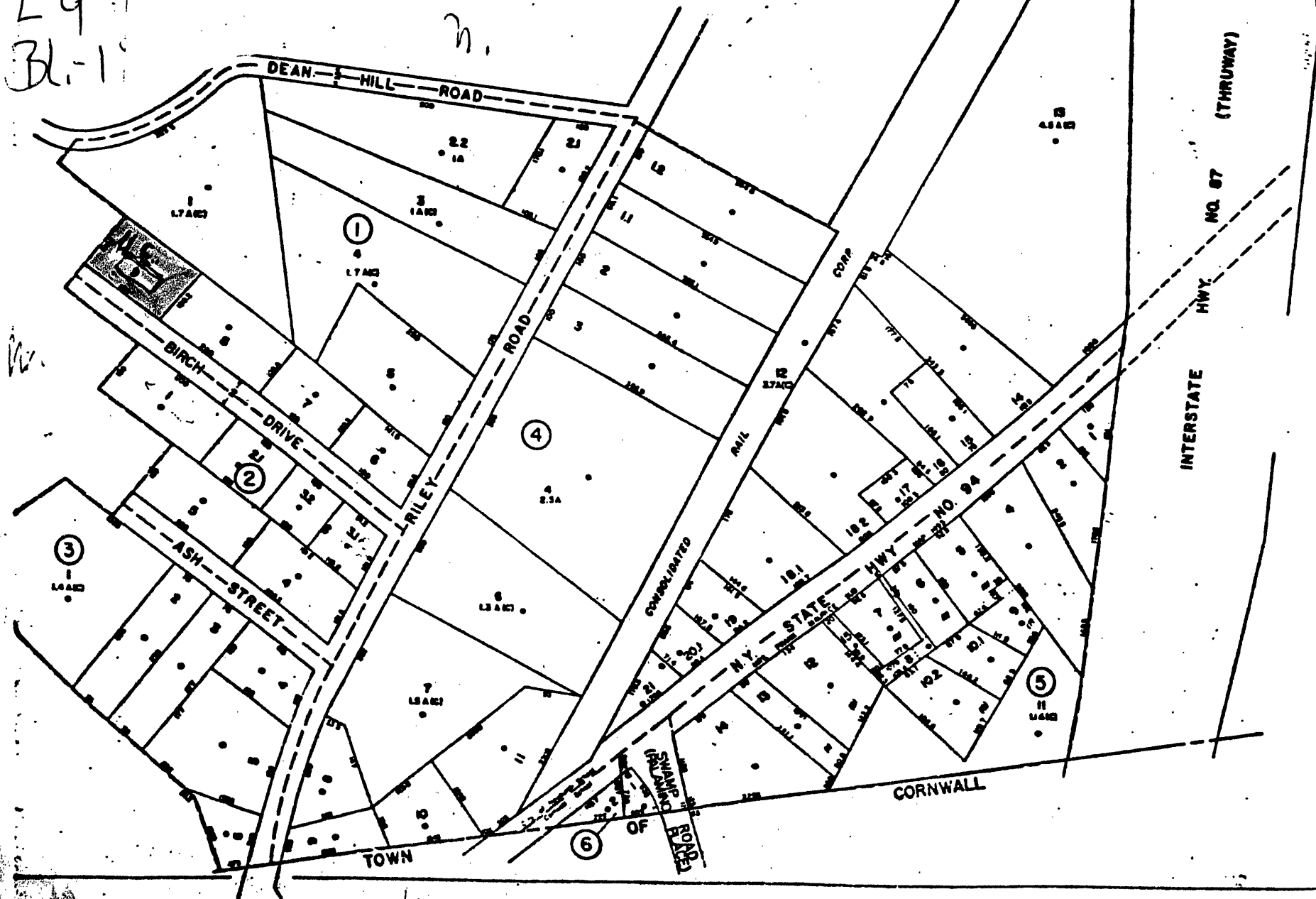
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Joseph A. Illuzzi
JOSEPH ILLUZZI

Bd:-



Prelim.

1/25/88 -

7:30.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. *87-139*

Date *12/30*, 198*7*

To *Ursula Cirelli & Patricia Foster*

Birch Drive

New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated *12/29*, 198*7*

for permit to *Build House* *R-4 Zone*

at the premises located at *Birch Drive*

is returned herewith and disapproved on the following grounds:

Front Yard Should be 35 Feet - With overhang You have 34.5

Back Yard Should be 40 Ft - Have 24 Ft 6"

John J. Finnegan
Zoning Building Inspector

Requirements

Min. Lot Area

Min. Lot Width

Proposed or
Available

Variance
Request

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 87-139Date 12/30, 1987To URSULA CIRELLI & PATRICIA FOSTERBIRCH DRIVENEW WINDSOR, N.Y. 12550PLEASE TAKE NOTICE that your application dated 12/29, 1987for permit to BUILD HOUSE R-4 ZONEat the premises located at BIRCH DRIVE

is returned herewith and disapproved on the following grounds:

FRONT YARD SHOULD BE 35 FEET - WITH OVERHANG YOU HAVE 34.5BACK YARD SHOULD BE 40 FT - HAVE 24 FT 6"

John J. Finnegan
 Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 FT</u>	<u>34.8</u>	<u>4"</u>
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>40 FT</u>	<u>24' 6"</u>	<u>15 FT 4"</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only
 ** Non-residential Districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JAN 26

BY:

Patricia G. Brunkert

January 27, 1988

19

Ursula Cirelli
Box 272A, RD #2, Riley Rd.
New Windsor, NY 12550

Re: 67-1-9 (Birch Dr.)

Dear Ms Cirelli:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Christian E. Jahrling/cp

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/po
Attachments

McDonnell, William & Margaret
17 Ethan Allen Drive
Stony Point, NY 10980 ✓

Wilson, Sam & Carrie ✓
2 Riley Rd
New Windsor, NY 12550

Harris, Bryant & Ella M
Box 525
Vails Gate, NY 12584 ✓

Peterson, Alton & Alice ✓
RD 2 Riley Road
New Windsor, NY 12550

Gatto, Anthony J & Eileen K.
RD 2 Box 267A Riley Road ✓
New Windsor, NY 12550

Gatto, Anthony Jr. & Dolores
RD 2 Riley Road ✓
New Windsor, NY 12550

Barasky, David & Helen ✓
RD 2 Riley Road
New Windsor, NY 12550

Mula, Alice Mary ✓
Box 282
Vails Gate, NY 12584

Gambino, Rose Marie ✓
Box 271 Birch Drive & Riley Rd
New Windsor, NY 12550

DeClemente, Sam ✓
PO Box 571
Vails Gate, NY 12584

Baird, Scott & Lisa
c/o Lederle Labs ✓
Middletown Rd.
Pearl River, Ny

DiStefano, Frances ✓
c/o John Stallone ✓
41 Knox Dr.
New Windsor, NY 12550

Morin, John C. Jr. & Elizabeth
Ash Street
New Windsor, NY 12550 ✓

Kullberg, Karl H & Alice
PO Box 282
Vails Gate, NY 12584 ✓

County of Orange
255-275 Main St. ✓
Goshen, NY 10924

Gadbois, John
PO Box 164 ✓
Vails Gate, NY 12584

OMAT, Inc.
RD 1, Box 673D
Monroe, NY 10950

Petrone, Michael
PO Box 673D
Monroe, NY 10950

Purdy, Frank &
Townsend, Dwight M.
& Husted, James C.
RD 2, Box 108 Route 94
Newburgh, NY 12550